

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 959 – SB 866**

April 25, 2017

**SUMMARY OF ORIGINAL BILL:** Changes the date, from January 31 to February 1, by which the Department of Children's Services (DCS) must provide a report of county commitment data for the previous fiscal year and a description of actions taken as part of the collaborative planning process to the Judiciary Committee of the Senate and the Civil Justice Committee of the House of Representatives.

**FISCAL IMPACT OF ORIGINAL BILL:**

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (007748):** Deletes all language after the enacting clause. Creates a new offense for a minor for illegal use of a telecommunication device. Authorizes a court to make a disposition as authorized by Tenn. Code Ann. § 37-1-132 for the illegal use of a telecommunication device which is considered an unruly act.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- The proposed legislation provides that a minor commits illegal use of a telecommunication device when the minor intentionally or knowingly uses a telecommunications device to transmit, distribute, publish, or disseminate a photograph, video or other material that contains a sexually explicit image of a minor or intentionally possesses a photograph, video, or other material that contains a sexually explicit image of a minor.
- Pursuant to Tenn. Code Ann. § 37-1-132, if the child is found to be an unruly child, the court is authorized to make such disposition as authorized by Tenn. Code Ann. § 37-1-131(a)(1), (2), (5), or (7); however, no child found to be an unruly child may be placed on probation under the supervision of the Department of Children's Services, unless such child is found to also be delinquent.

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- It is assumed that the court will order the child to perform community service work pursuant to Tenn. Code Ann. § 37-1-131(a)(7); therefore, any fiscal impact is estimated to be not significant.
- The Administrative Office of the Courts can accommodate any increase in their caseloads within existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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